

# Notice of Allowability

Application No.

09/840,046

Examiner

Jung W. Kim

Applicant(s)

ANTOINE, PHILIPPE

Art Unit

2132

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1 August 2005.
2. ☒ The allowed claim(s) is/are 1-4, 6, 8-10 and 12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 4/01
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office action is in response to the amendment filed on August 1, 2005.
2. Claims 1-4, 6, 8-10 and 12 are allowed.
3. Claims 5, 7, and 11 are canceled.

#### ***Response to Amendment***

4. The objections to claims 3, 4, 6, 9, 10 and 12 for being in improper dependent form are withdrawn as the amendments overcome the objections.

#### ***Response to Arguments***

5. Applicant's arguments, see Remarks, pgs. 7-10, with respect to the 101 rejections have been fully considered and are persuasive. In particular, all of the independent claims recite the limitation of producing a pseudo-random bit sequence step or means and a packetizing step or means, which together with the other features of the claims defines subject matter that produces a useful, concrete and tangible result. Hence, the 101 rejections of claims 1-4, 6, 8-10 and 12 have been withdrawn.

#### ***Allowable Subject Matter***

6. The following is an examiner's statement of reasons for allowance: Applicant's claimed invention covers a method and apparatus to generate a pseudo-random sequence of multi-carrier data symbols. The closest prior art of record, Moroney USPN

Art Unit: 2132

5,054,067 and admitted prior art discloses a similar invention; however neither Moroney nor admitted prior art, either in combination or alone, discloses selecting  $N'$  being a third integer value wherein  $N'$  differs from  $L-1$  and  $L+1$ , and  $N'$  is not fractionally related to  $L$ , where the pseudo-random bit sequence is divided into strings of  $N'$  bits, where  $L$  is a first integer value and is the number of pseudo-random sequence bits repetitively generated, and  $N$  is the second integer number and is the number of bits of the pseudo-random bit sequence taken from each string of  $N'$  bits used to generate the pseudo-random sequence of multi-carrier data symbols. Hence, claims 1-4, 6, 8-10 and 12 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Communications Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 2132

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



September 9, 2005

Jung W Kim  
Examiner  
Art Unit 2132

  
GILBERTO BARRON  
**SUPERVISORY PATENT EXAMINER**  
TECHNICAL CENTER 2100